

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TUFAMERICA, INC.,

Plaintiff,

11 CIV 7156 (RA)

v.

DAVID WILLIS, DANTE SMITH,
and DAMON DASH

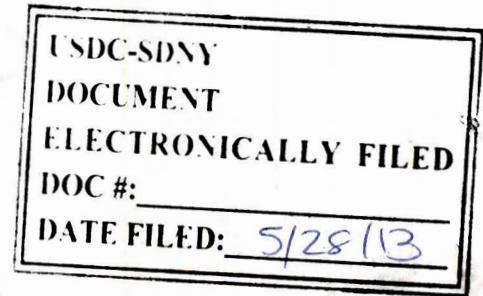
Defendants.
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**[PROPOSED] FINAL JUDGMENT AS TO DEFENDANTS
DAVID WILLIS AND DAMON DASH**

WHEREAS Plaintiff TufAmerica, Inc. ("TufAmerica") filed its Complaint in this action charging defendants David Willis ("Willis"), Dante Smith ("Smith") and Damon Dash ("Dash") with copyright infringement based upon the wrongful distribution of the musical track titled "24 Hour Karate School" that incorporated one or more samples of the masters and composition titled "Hook & Sling Vol. 1" and "Hook & Sling Vol. 2" (together, "Hook & Sling"); and

WHEREAS, TufAmerica's claims against defendant Dante Smith were dismissed without prejudice on May 21, 2013;

WHEREAS, the trial of this action against defendants Willis and Dash was held before the Court and was conducted as a bench trial on May 20, 2013, at which trial the Court found in favor of TufAmerica on both copyright infringement causes of action as against Dash only; now it is




ORDERED, ADJUDGED, AND DECREED as among the parties hereto, pursuant to Rule 58 of the Federal Rules of Civil Procedure, as follows:

1. This Court has jurisdiction over the parties to this Final Judgment and has jurisdiction over the subject matter hereof.
2. TufAmerica is the exclusive administrator of and owns an undivided fifty percent (50%) share of ownership and all worldwide rights of any kind or nature in and to the Hook & Sling master and composition.
3. FINAL JUDGMENT is hereby awarded to plaintiff TufAmerica and against defendant Dash on TufAmerica's first cause of action for common law copyright infringement in connection with the Hook & Sling master recordings, and on TufAmerica's second cause of action for copyright infringement under the Copyright Act, 17 U.S.C. §101, *et seq.* in connection with the Hook & Sling composition.
4. FINAL JUDGMENT is hereby awarded to defendant Willis and against plaintiff TufAmerica on TufAmerica's first and second causes of action.
5. The Court awards TufAmerica statutory damages pursuant to 17 U.S.C. §504(c) as against defendant Dash in the amount of Six Thousand Dollars (\$6000.00), exclusive of attorneys' fees, costs, or post-judgment interest.
6. Defendant Dash is hereby ordered to pay TufAmerica the total of Six Thousand Dollars (\$6000.00) exclusive of attorneys' fees, costs, or post-judgment interest.
7. Defendants Dash and Willis and their employees, agents, servants, successors and assigns and all persons in active concert and participation with them who receive actual notice of this Final Judgment are hereby permanently restrained and enjoined from manufacturing, producing, distributing, circulating, selling, offering for sale,

importing, exporting, advertising, promoting, displaying, shipping, marketing or incorporating the Hook & Sling master or composition, either alone or in conjunction with any other recording.

ENTERED this 28th day of May, 2013



Ronnie Abrams
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TUFAMERICA, INC.,

Plaintiff,

11 CIV 7156 (RA)

v.

DAVID WILLIS, DANTE SMITH,
and DAMON DASH

Defendants.

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NOTICE OF SETTLEMENT

Sirs:

PLEASE TAKE NOTICE that a final judgment of which the within is a copy will be presented to the Honorable Ronnie Abrams, Judge of the United States District Court for the Southern District of New York, at the United States Courthouse, 40 Foley Square, New York, New York, on the 31st day of May, 2013 at 9:30 o'clock in the forenoon of that day or at such other day and time as the Court may so designate.

Sea Cliff, New York
May 24, 2013

Respectfully submitted,

By: /s/Kelly D. Talcott

Kelly D. Talcott
The Law Offices of Kelly D. Talcott
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v.516.515.1545
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

Kelly D. Talcott hereby affirms under penalties of perjury that on 24 May, 2013, he caused to be served the attached NOTICE OF SETTLEMENT by filing a copy thereof via the Court's ECF system, causing the same to be delivered to counsel for defendants Dash and Willis at the electronic mail addressed they have designated for that purpose, as follows:

Joshua Seidman, Esq. jes@seidmanlegal.com
244 5th Avenue, Suite 2030
New York, NY 10001

John P. Fazzio, Esq. jfazzio@fazziolaw.com
26 Broadway, 21st Floor
New York, NY 10004

/s/

Kelly D. Talcott

Kelly D. Talcott

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May 17, 2013

Electronic Mail to Abrams_NYSDChambers@nysd.uscourts.gov

Honorable Ronnie Abrams
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: TufAmerica, Inc. v. Willis, et al., 11cv7156 (RA) – Notice of Settlement

Dear Judge Abrams,

I am counsel for plaintiff TufAmerica in the listed case. Enclosed with this letter is a courtesy copy of the Notice of Settlement and Proposed Final Judgment in this case.

Please contact me with any questions concerning the enclosed.

Respectfully yours,

/Kelly D. Talcott/

Kelly D. Talcott

Encl.: Notice of Settlement

c: Counsel for defendants.